

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS
Boston Division
Civil Action No.: 04-12535-NMG

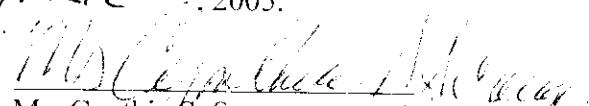
ROBERT KILLAY)
Plaintiff,)
vs.)
SPRINGFIELD TERMINAL)
RAILWAY COMPANY and)
BOSTON & MAINE CORPORATION)
Defendants.)

**CERTIFICATION IN COMPLIANCE WITH
LOCAL RULE 16.1(D)(3)**

I, Cynthia S. Scarano, under oath hereby depose and state as follows:

1. I am Vice President of Human Resources - Claims for the Defendants, Springfield Terminal Railway Company and Boston & Maine Corporation.
2. I have conferred with counsel with regard to establishing a budget for the cost of conducting the full course and alternate course of litigation as well as the various alternative courses of resolution such as Alternative Dispute Resolution and Mediation. The Defendants need to develop further information before it can be decided whether this case is appropriate for settlement, ADR or full litigation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY
THIS 21st DAY OF APRIL, 2005.

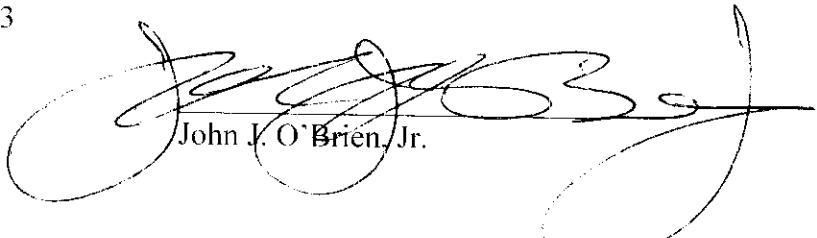

Ms. Cynthia S. Scarano
Vice President Human Resources - Claims
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Tel.: (978) 663-1028
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CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendant in the within action, hereby certify that I have this day served a copy of **CERTIFICATION IN COMPLIANCE WITH LOCAL RULE 16.1(D)(3)** by mailing a copy thereof, postage prepaid, to:

Thomas J. Joyce, III, Esq.
Hannon & Joyce
Public Ledger Building, Suite 1000
150 South Independence Mall West
Philadelphia, Pennsylvania 19106-3413

Michael J. McDevitt, Esq.
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210



John J. O'Brien, Jr.

Dated: 4/21/05